

REMARKS/ARGUMENTS

Claim 1 has been amended. Claim 2 has been withdrawn. Claim 1 has been amended to more clearly define the invention. Claim 3 has been added. Support for claim 3 is found throughout the specification and in particular at page 13, paragraph 24. Claims 1 and 3 are pending. No new matter has been added.

Amendment of the Specification

The Examiner considers the Tables contained in the specification as drawings. Further, the Examiner requests that the Specification be amended to add a Brief Description of the Drawings. Applicants respectfully disagree, however, in an effort to expedite the allowance of the subject application, applicants have amended the specification to include a Brief Description of the Drawings.

Double Patenting

Claim 1 stands provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of co-pending Application No. 10/022,434. At this time, Application No. 10/022,434 is still pending; therefore, this provisional rejection is untimely. Accordingly, withdrawal of this provisional rejection is respectfully requested.

Rejections under 35 U.S.C. §102

Claim 1 has been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Chambon *et al.* ("Chambon"), as allegedly anticipated by Rodopulo *et al.* ("Rodopulo"), and as allegedly being anticipated by Zea *et al.* ("Zea"). Claim 1 stands rejected under §102(e) as anticipated by 6,410,755 to Millis *et al.* ("Millis"). Claim 1 stands rejected under §102(a) as allegedly being anticipated by Hornby *et al.* ("Hornby").

The rejections over Chambon, Rodopulo and Zea are respectfully traversed. The Examiner asserts that the claims are anticipated because each of Chambon, Rodopulo and Zea discloses production of at least farnesol by culturing either a strain of *Saccharomyces*

(Chambon and Zea) or various strains of yeasts (Rodopulo) in a medium.

Claim 1 has been amended to recite “one member selected from the group consisting of soybean oil, fish oil, almond oil and olive oil.” Neither Chambon, Rodopulo nor Zea discloses use of any of these oils. The effect of using such oils in the production of geranylgeraniol and farnesol is shown in the Examples in the subject specification. The effect of using such oils is not taught or suggested by the cited prior art.

Accordingly, it is respectfully submitted that neither Chambon, Rodopulo nor Zea anticipates or renders obvious claim 1 as amended. Reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) over each of Chambon, Rodopulom and Zea is respectfully requested.

The rejection over Millis is respectfully traversed. The Examiner asserts that the claim is anticipated because Millis teaches production of farnesol by culturing a strain of *Saccharomyces* in a medium.

Claim 1 has been amended to recite the phrase “one member selected from the group consisting of soybean oil, fish oil, almond oil and olive oil.” Millis does not disclose the use of any of these oils. As previously stated, the effect of using such oils in the production of geranylgeraniol and farnesol is shown in the Examples in the subject specification. The effect of using such oils is not taught or suggested by the cited prior art.

Accordingly, it is respectfully submitted that Millis does anticipate or render obvious claim 1 as amended. Reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e) over each of Chambon, Rodopulom and Zea is respectfully requested.

Claim 1 has been rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Hornsby *et al.* (“Hornsby”). The rejection over Hornsby is respectfully traversed. The Examiner asserts that the claim is anticipated because Hornsby discloses production of at least farnesol by culturing *Candida albicans* in a medium.

Claim 1 has been amended to recite "one member selected from the group consisting of soybean oil, fish oil, almond oil and olive oil." Hornsby does not disclose the use of any of these oils. As previously stated, the effect of using such oils in the production of geranylgeraniol and farnesol is shown in the Examples in the subject specification. The effect of using such oils is not taught or suggested by the cited prior art.


CONCLUSION

It is submitted that the subject application is now in condition for allowance, which action is earnestly solicited. The Examiner is invited to contact Applicants' representative, at the number below, to discuss any matter that would expedite allowance.

The Commissioner is, however, authorized to charge Kenyon & Kenyon's Deposit Account No. 11-0600 for any fees deemed necessary, or to credit any overpayment.

Respectfully submitted,

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